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NASA Procedural Requirements

COMPLIANCE IS MANDATORY

NPR 9090.1

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Request Notification of Change

(NASA Only)

Subject: Reimbursable Agreements

Responsible Office: Office of the Chief Financial Officer

| [TOC](#) | [Preface](#) | [Chapter1](#) | [Chapter2](#) | [Chapter3](#) | [Chapter4](#) | [Chapter5](#) |
[AppendixA](#) | [AppendixB](#) | [AppendixC](#) | [ALL](#) |

Appendix B. Description of Authority

B.1 14 CFR § 1215, "**Tracking a Data Relay Satellite System (TDRSS).**" This regulation sets forth the reimbursement policy for TDRSS usage and has been established to purposely influence users to operate with TDRSS in the most efficient and orderly manner possible.

B.2 **Chief Financial Officers Act of 1990 (31 U.S.C. § 902).** This statute requires a biennial review of costs of services provided versus charges imposed. The Agency Office of the Chief Financial Officer (OCFO) shall be responsible for that review.

B.3 **Commercial Space Competitiveness Act - Use of Government Facilities (15 U.S.C. § 5807).** This Act provides authority for NASA to use its space-related facilities on a reimbursable basis to support commercial space activities, and to charge only direct cost.

B.4 **Commercial Space Launch Act (49 U.S.C. § 701).** This statute governs the sale, by NASA, of launch property for fair market value and the sale of launch services for direct cost only. The charge for launch services or reentry services is an amount equal to the direct costs, including the basic pay of Government civilian and contractor personnel, the Government incurred because of acquisition of the services.

B.5 **Custodians of Money (31 U.S.C. § 3302).** This statute requires all monies to be deposited to Treasury, unless otherwise provided by law.

B.6 **Economy Act of 1932 (31 U.S.C. § 1535).** This Act provides authorization for Federal agencies to request and perform interagency reimbursable work. Under the Act, such reimbursable work must be in the best interest of the Government, and goods and services are less expensive or more conveniently provided by Federal agencies than by

commercial vendors.

B.7 Enhanced Use Lease (EUL) of Real Property (42 U.S.C. § 2459j). This section of the Space Act gives the Administrator authority to lease NASA real property to other Federal Agencies and non-Federal entities. The financial policy applicable to the EUL program is discussed in Chapter 5 of NPR 9090.1, Reimbursable Agreements.

B.8 Executive Orders and Regulations. The following Executive Branch issuances pertain to NASA's operations:

B.9 Federal Acquisition Regulation (FAR) Part 17.5, Interagency Acquisitions. Under the Economy Act and PART 1817.5 of the NASA FAR supplement The Federal Acquisition Regulation contains requirements and guidance concerning the use of reimbursable agreements between Federal agencies.

B.10 Fees and Charges for Government Services and Things of Value (31 U.S.C. § 9701). This Act requires that charges be fair; and based on (A) the costs to the Government; (B) the value of the service or thing to the recipient; (C) public policy or interest served; and (D) other relevant factors. User charges are ordinarily deposited into Treasury miscellaneous receipts, but may be retained by NASA where authorized by law. Detailed procedures for user charges are included in the Office of Management and Budget (OMB) Circular No. A-25.

B.11 Land Remote Sensing Policy Act of 1992, (15 U.S.C. § 5601-5602). To maximize the value of the Landsat program to the American public, unenhanced Landsat 4 through 6 data should be made available, at a minimum, to United States Government agencies, to global environmental change researchers, and to other researchers who are financially supported by the United States Government, at the cost of fulfilling user requests, and unenhanced Landsat 7 data should be made available to all users at the cost of fulfilling user requests. The term "cost of fulfilling user requests" means the incremental costs associated with providing product generation, reproduction, and distribution of unenhanced data in response to user requests and shall not include any acquisition, amortization, or depreciation of capital assets originally paid for by the United States Government or other costs not specifically attributable to fulfilling user requests.

B.12 National Aeronautics and Space Act of 1958 (42 U.S.C. § 2451 et. seq.). The Space Act authorizes NASA "to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its work and on such terms as it may deem appropriate, with any agency or instrumentality of the United States, or with any State, Territory, or possession, or with any political subdivision thereof, or with any person, firm, association, corporation, or educational institution." Additionally, the Act authorizes NASA "to use, with their consent, the services equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, and facilities." In addition, the Act states, "The Administration, under the foreign policy guidance of the President, may engage in a program of international cooperation in work done pursuant to this Act, and in the peaceful application of the results thereof, pursuant to agreements made by the President with the advice and consent of the Senate." Agreements using these authorities are referred to as Space Act Agreements. The NASA Space Act Agreements Manual is the primary source of guidance for entering into Space Act Agreements.

B.13 NASA Advisory Implementing Instruction (NAII) 1050-1, "Space Act Agreements Guide," March 7, 2008. This guide provides guidance and sample clauses on various classes of agreements divided according to the type of agreement and identity of the parties.

B.14 National Historic Preservation Act (16 U.S.C. § 470h-3). The National Historic Preservation Act provides Federal Agencies the authority to lease historic property and retain the proceeds to defray the cost of administration, maintenance, repair, and related expenses incurred by the agency with respect to property that is on the National Register.

B.15 NPD 1050.1, "Authority to Enter into Space Act Agreements." The Space Act provides authority to enter into Space Act Agreements, and the NPD provides guidance for entering into those agreements.

B.16 NPD 9010.2, "Financial Management." This NPD establishes that the Agency CFO directs, manages, and provides policy guidance and oversight of Agency financial management personnel, activities, and operations.

B.17 OMB Circular No. A-11, *Preparation, Submission, and Execution of Budget*. OMB Circular No. A-11 provides guidance on preparing Agency budget submissions and includes instructions on budget execution. This Circular requires an estimate of the amount of reimbursable work the agency expects to perform each fiscal year and the process for requesting the reimbursable spending authority for the monies collected from customers.

B.18 OMB Circular No. A-25, *User Charges*. Reimbursable policy regarding work for other than Federal entities under the authority of 31 U.S.C. § 9701 is covered by OMB Circular No. A-25 User Charges. In any case where another OMB Circular provides guidance concerning a specific user charge area, the guidance of that other Circular shall be deemed to meet the requirements of Circular No. A-25. In cases where another statute authorizes reimbursable work, the provisions of that statute apply.

B.19 OMB Circular No. A-45, *Rental and Construction of Government Quarters*. This Circular provides policy and direction concerning charges for rental quarters.

B.20 OMB Circular No. A-97, *Specialized or Technical Services for State and Local Governments*. As the title states this Circular provides guidance concerning the provision of specialized technical services to State and local governments.

| [TOC](#) | [Preface](#) | [Chapter1](#) | [Chapter2](#) | [Chapter3](#) | [Chapter4](#) |
[Chapter5](#) | [AppendixA](#) | [AppendixB](#) | [AppendixC](#) | [ALL](#) |

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